

## **REMARKS**

Claims 1-35 are original. Claims 1, 7, 19, and 35 currently are amended. Claims 1-35 remain in this application.

### **I. 35 USC 112, second paragraph: claim 35**

The Examiner rejects claim 35 under 35 USC 112, second paragraph as being indefinite, specifically noting indefinite deficiencies.

Since Applicant has fixed the indefiniteness noted in the Office Action, Applicant respectfully requests that the Examiner withdraw the rejection to the claim.

### **II. Claim Objection: Claim 20**

The Examiner objects to claim 20, asserting that claim 20 fails to further limit the subject matter of the previous claim.

Since Applicant has fixed the further limiting of the subject matter noted in the Office Action, Applicant respectfully requests that the Examiner withdraw the objection to the claim.

### **III. 35 USC 102 Claim Rejections**

#### **A. 35 USC 102(e) Rejections: Claims 1-8, 11-13, 17-20, 22-24, 28-32, and 34**

The Examiner rejects claims 1-8, 11-13, 17-20, 22-24, 28-32, and 34 under 35 USC 102(e) as being anticipated by Hashimoto (US Patent No. 6,344,875).

Independent **Claim 1**, now combined with a limitation from claim 7, recites that the temporary data storage circuit has a storage capacity sufficient to store data comprising at least one picture from the appliance. The examiner cites Hashimoto buffer 41 of memory card 16 to teach the temporary data storage circuit and Hashimoto FIFO circuit 13 in figure 16, step 342 as teaching a memory with sufficient capacity to store image data for at least one picture. Hashimoto does not teach FIFO circuit 13 as part of memory card 16 or as part of buffer 41 and thus does not teach the above claim 1 limitation.

**Claim 13** recites wherein the predetermined event comprises further data being received by the temporary data storage circuit from the data generating appliance. Hashimoto does not teach a control circuit that is operative to effect transfer of data from Buffer 41 to Flash Memory 40 upon Buffer 41 receiving further data.

Independent **Claim 17** recites the control circuit being adapted to effect transfer of data from the temporary data storage circuit to the permanent data storage circuit upon occurrence of a predetermined event. Receiving combined image and audio files through Hashimoto I/O card 15 in step 340 ('875, col. 11, 46-49) is not predetermined and is not a predetermined event. Writing image information into the memory card 16 in Hashimoto step 348 is not an event, is not predetermined, and is not a predetermined event.

**Claim 23** recites wherein the predetermined event comprises a predetermined time period elapsed from the image data being received in the temporary data storage circuit from the camera. Hashimoto's "inherent transmission delays" are not predetermined. Moreover, Hashimoto does not teach a control circuit to effect transfer of image data from Buffer 41 to Flash Memory 40 after a predetermined time period has elapsed from the image data being received in Buffer 41.

Moreover, an "inherent transmission delay" (Office Action, page 4, item 8, line 5) is not an event nor is it predetermined.

Independent **Claim 28** recites transferring said image data from said temporary data storage circuit to a permanent data storage circuit coupled to the digital camera upon occurrence of a predetermined event. Receiving combined image and audio files through Hashimoto I/O card 15 in step 340 ('875, col. 11, 46-49) is not a predetermined event and step 348 is not a predetermined event. Writing image information into the memory card 16 in Hashimoto step 348 is not an event and is not predetermined.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections to the claims.

**B. 35 USC 102(e) Rejections: Claims 9-10 and 21**

The Examiner rejects claims 9-10 and 21 under 35 USC 102(e) as anticipated by Parulski (US Patent Application No. 2001/0013894).

**Claim 1/9** recites a permanent data storage circuit as part of a data storage system for a portable data generating appliance. Parulski teaches a printer 30, which is not a permanent data storage circuit. Moreover, Parulski teaches that printer 30 is separate from the digital camera 10 (Parulski, claim 1, preamble).

**Claim 1/10** recites a permanent data storage circuit comprising a non-volatile write-once memory. Parulski teaches a printer 30, which does not comprise a non-volatile write-once memory.

**Claim 17/18/21** recites a non-volatile write-once memory being sufficient to store image data for a plurality of pictures from a camera. Parulski teaches a printer 30, which does not store image data as a memory.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections to the claims.

**C. 35 USC 102(e) Rejections: Claims 10, 21, and 33**

The Examiner rejects claims 10, 21, 33 under 35 USC 102(e) as anticipated by Tringali (US Patent No. 6,656,891).

**Claim 1/10** recites that the temporary data storage circuit has a storage capacity sufficient to store data comprising at least one picture from the appliance. Tringali does not teach this.

**Claim 17/18/21** recites the control circuit being adapted to effect transfer of data from the temporary data storage circuit to the permanent data storage circuit upon occurrence of a predetermined event. Tringali does not teach this.

**Claim 28/31/32/33** recites transferring said image data from said temporary data storage circuit to a permanent data storage circuit coupled to the digital camera upon occurrence of a predetermined event. Tringali does not teach this.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections to the claims.

**D. 35 USC 102(e) Rejections: Claims 14 and 25**

The Examiner rejects claims 14 and 25 under 35 USC 102(e) as anticipated by Araki (US Patent No. 6,388,908).

**Claim 1/11/13/14** recites that the temporary data storage circuit has a storage capacity sufficient to store data comprising at least one picture from the appliance. Araki does not teach this.

**Claim 17/24/25** recites the control circuit being adapted to effect transfer of data from the temporary data storage circuit to the permanent data storage circuit upon occurrence of a predetermined event. Araki col. 9, lines 46-65 do not teach an event and does not teach an event that is predetermined. Araki figure 8, steps S2, S3, S5 and S7 do not teach an event and does not teach an event that is predetermined.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections to the claims.

**IV. 35 USC 103 Claim Rejections**

**A. 35 USC 103(a) Rejections: Claim 33**

The Examiner rejects claim 33 under 35 USC 103(a) as unpatentable over Ohki (US Patent Application No. 2002/0001032) in view of Parulski (US Patent Application No. 2001/0013894).

**Claim 28/31/32/33** recites transferring said image data from said temporary data storage circuit to a permanent data storage circuit coupled to the digital camera upon

occurrence of a predetermined event. Parulski "image print event" is not an event and is not an event that is predetermined.

NOT OBVIOUS TO COMBINE: At the June 5, 2001 time of filing of the present application, neither Ohki nor Parulski were published. Since the teachings of Ohki and Parulski were not available to the public at the time the invention was made, one of ordinary skill in the art could not have had the teachings of Ohki and Parulski before him at the time the invention was made to use the Parulski teachings with Ohki to obtain the claimed invention.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections to the claims.

**B. 35 USC 103(a) Rejections: Claims 15-16, 26-27, and 35**

The Examiner rejects claims 15-16, 26-27, and 35 under 35 USC 103(a) as unpatentable over Hashimoto (US Patent No. 6,344,875) in view of Levy (US Patent No. 5,438,549).

**Claim 1/11/15** is not taught by Hashimoto as noted above. Moreover, Hashimoto teaches that, because the buffers 41 do not hold the entirety of any one data, a plurality of transfer operations will usually be needed to transfer the desired material into or out of the memory card 16. (Hashimoto, col. 9, lines 32-40). A skilled person would not be motivated to include a Levy backup power supply system in Hashimoto for the purpose of transferring a partial, 256-byte portion of a digital image from the buffer 41 on failure of the primary operating power.

**Claim 1/11/15/16** is not taught by Hashimoto as noted above. Moreover, A skilled person would not be motivated to include a Levy backup power supply system in Hashimoto for the purpose of transferring a partial, 256-byte portion of a digital image from the buffer 41 on failure of the primary operating power.

**Claim 17/26** is not taught by Hashimoto as noted above. Moreover, A skilled person would not be motivated to include a Levy backup power supply system in Hashimoto for the

purpose of transferring a partial, 256-byte portion of a digital image from the buffer 41 on failure of the primary operating power.

**Claim 17/26/27** is not taught by Hashimoto as noted above. Moreover, A skilled person would not be motivated to include a Levy backup power supply system in Hashimoto for the purpose of transferring a partial, 256-byte portion of a digital image from the buffer 41 on failure of the primary operating power.

**Claim 28/31/34/35** is not taught by Hashimoto as noted above. Claim 35 recites the removal of the interface card from the digital camera as the predetermined event. Neither Hashimoto nor Levy teaches this.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections to the claims.

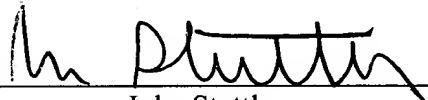
**V. Conclusion**

In view of the foregoing, it is believed that the claims now pending are in condition for allowance. Such action is earnestly solicited at the earliest possible date.

Dated: July 8, 2004

Respectfully submitted,  
STATTLER JOHANSEN & ADELI LLP

Stattler, Johansen & Adeli LLP  
PO Box 51860  
Palo Alto, California 94303-0728  
Telephone: (650) 752-0990, x105  
Facsimile: (650) 752-0995

By:   
John Stattler  
Registration No. 36,285  
Phone No.: (650) 752-0990, x105